

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of	
Lifeline and Link Up Reform and Modernization	WC Docket No. 11-42
Telecommunications Carriers Eligible for Universal Service Support	WC Docket No. 09-197
Connect America Fund	WC Docket No. 10-90

COMMENTS OF UTAH RURAL TELECOM ASSOCIATION AND ITS MEMBERS

On October 3, 2016, United States Telecom Association (“USTelecom”) filed a Petition for Limited Waiver in WC Docket No. 11-42, WC Docket No. 09-197, and WC Docket No. 10-90 (“USTelecom’s Petition”)¹. In the USTelecom Petition, USTelecom requested a limited-time waiver of the revised rules 54.500(j) and 54.409 (a), and applicable sections of the Lifeline order, to permit Lifeline providers to continue enrolling consumers in the Federal Lifeline program based on state-specific program and income eligibility criteria in 28 states and territories. Specifically, USTelecom requests that telecom providers be permitted to operate “business as usual” in states that offer a State Lifeline discount where there is inconsistency between state and federal eligibility criteria for the Federal Lifeline program; and where such state is unable to modify its statutes, rules, and state administered databases and processes related to third party eligibility determinations to be in alignment with the new federal criteria in advance of the December 1, 2016 deadline. USTelecom has requested a waiver of revised rules 54.500(j) and 54.409(a) for a period of 18 months or 60 days after the state notifies the Federal Communications Commission (“FCC”) and all eligible telecommunications carriers (“ETCs”) in the state that it has aligned its eligibility criteria with the federal criteria, whichever occurs first. The FCC in its Public Notice dated October 6, 2016 sought comments on USTelecom’s Petition.

The Utah Rural Telecom Association (“URTA”), on behalf of itself and its members All West Communications, Inc., Bear Lake Communications, Beehive Telephone Company, Carbon/Emery Telcom, Inc., Central Utah Telephone, Inc., Direct Communications Cedar Valley, Emery Telcom, Inc., Hanksville Telcom, Inc.,

¹ Lifeline and Link Up Reform and Modernization. WC Docket No. 11-42, United States Telecom Association Petition for Waiver (Oct. 3, 2016).

Manti Telephone Company, Skyline Telecom, South Central Utah Telephone Association, Inc., UBTA-UBET Communications, Inc., and Union Telephone (“URTA Members”), all of whom are wireline eligible ETCs in Utah, hereby support USTelecom’s Petition for Waiver.

I. UTAH LIFELINE STATUTES AND RULES

As indicated in USTelecom’s Petition, Utah is one of the 28 states and territories whose State Lifeline Program qualification criteria, statutes and regulations are no longer aligned with the new Federal Lifeline Program criteria that will go into effect December 1, 2016. Further, Utah’s statutes and regulations will not be aligned with the federal criteria on or before December 1, 2016.

Statutorily, Utah’s State Universal Service Fund is used to defray the reasonable costs incurred by qualifying telecommunications corporations in providing public telecommunications services to, *inter alia*, “customers that qualify for a commission-approved lifeline program.” *U.C.A. Section 54-ab-15(7)(a)*.

By Administrative Rule, the Utah Public Service Commission has established the following:

- Applicability of State Lifeline rules (*Utah Admin. Rule R746-341-1*);
- Definitions related to State Lifeline (*Utah Admin. Rule 746-341-2*);
- State Lifeline eligibility requirements (*Utah Admin. Rule R746-341-3*);
- Duties of the lifeline program administrator (*Utah Admin. Rule 746-341-4*);
- Duties of the ETCs (*Utah Admin. Rule R 746-341-5*);
- State Lifeline telephone service features (*Utah Admin. Rule R746-341-6*);
- Federal Lifeline service telephone service features (*Utah Admin. Rule R746-341-7*);
- State ETC reporting requirements (*Utah Admin. Rule R746-341-8*);
- Funding of lifeline (*Utah Admin. Rule R746-341-9*);
- Collection and disbursement of lifeline funds (*Utah Admin. R746-341-10*)

A. Utah Lifeline Support and Supported Services

Pursuant to administrative rule, Utah provides State Lifeline support of \$3.50 per month for qualified individuals for lifeline telephone service including dial tone line, usage charges or their equivalent, and authorized extended area service (“EAS”) on a single residential access line. Lifeline support in Utah is currently limited to support of residential access telephone lines.

B. Qualification for Utah Lifeline Support

An individual can qualify for State Lifeline support in Utah through participation in approved assistance programs including²:

- Medicaid
- Supplemental Nutrition Assistance Program (SNAP)
- Supplemental Security Income (SSI)
- Federal Public Housing Assistance
- Low-income Home Energy Assistance Program (LIHEAP)
- Temporary Assistance to Needy Families (TANF); or
- National School Lunch Program's Free Lunch Program

In addition to participation in one of the approved assistance programs identified above, Tribal Residents may qualify for State Lifeline support by participating in the following Tribal-specific federal assistance programs:

- Bureau of Indian Affairs General Assistance;
- Tribally-Administered Temporary Assistance for Needy Families (TTANF);
- Head Start; or
- Food Distribution Program on Indian Reservations (FDPIR).

Further, individuals may qualify for State Lifeline support based on income. Individuals who are at or below 135% of the Federal Poverty Guidelines will qualify for State Lifeline support.

II. DISCREPANCIES BETWEEN UTAH AND FEDERAL LIFELINE SUPPORT ELIGIBILITY CRITERIA

Prior to the modification of the Federal Lifeline Support qualification criteria, eligibility under any state qualifying program was an acceptable qualification for Federal Lifeline Support. This State “catch-all” criterion has been eliminated from the Federal qualification requirements³. Thus, while individuals will still qualify for State Lifeline support by their participation in LIHEAP, TANF; or the National School Lunch Program's Free Lunch Program, participation in such programs will not be a qualifying criterion for eligibility for the Federal Lifeline

² Utah Administrative Rule R746-341-3.

³ Lifeline and Link Up Reform and Modernization. WC Docket No. 11-42, Third Report and Order, and Order on Reconsideration at ¶¶167 and 212 (March 21, 2016).

Program⁴⁴. Additionally, Utah's qualification criteria do not include Veterans and Survivor's Pension Benefits, which is a method of qualifying for the Federal Lifeline Program.

III. ADMINISTRATIVE BURDENS ASSOCIATED WITH DISPARATE ELIGIBILITY QUALIFICATION REQUIREMENTS

The URTA Members are concerned that the discrepancies between the Federal Lifeline program eligibility requirements and Utah's State Lifeline eligibility requirements will complicate the Lifeline application process, eligibility determinations, the recertification process, and virtually all aspects of management of the Lifeline program. The URTA Members are concerned that these discrepancies will result in higher administrative costs for the Lifeline Program, increased burdens on consumers in trying to take advantage of the State and Federal Lifeline programs, increased consumer confusion in the application, qualification, and recertification process, and increased burdens on telecom providers.

As stated in the USTelecom Petition, Utah's State Lifeline Program is administered by a third party, the Department of Workforce Services ("DWS"), with whom the Utah Public Service Commission has contracted to administer the initial eligibility verification and continued eligibility of State Lifeline participants. If DWS is only reviewing applications for eligibility and recertification under the State Lifeline Program requirements, telecom providers will not be able to rely on DWS's state eligibility qualification determination for purposes of determining whether an applicant qualifies for the Federal Lifeline program. It is currently unclear, under Utah Rules, how qualification for the Federal Lifeline discount will be determined. Likely, a customer would need to file a separate federal application with the telecom provider who would need to determine eligibility. However, as indicated in the USTelecom Petition, Utah wireline providers are not currently making this determination, nor are they currently set up to make this determination. There would be significant time, effort and cost associated with telecom providers gearing up to process direct applications. This expenditure of time and resources is probably for a temporary fix, as it is anticipated that Utah is likely to align its State Lifeline Program with the Federal Lifeline Program. However, even if Utah does not align its program with the Federal Lifeline Program, Utah will be required to modify its rules to deal with these issues. Granting USTelecom's Petition will allow the State of Utah time to make the necessary rule changes without disrupting the current process, and creating confusion for customers, and administrative costs for the State or providers.

⁴⁴ Id.

In Utah, the Public Service Commission is unlikely to open a rulemaking proceeding to amend the above-referenced rules until after the Utah State Legislature has addressed the issue of using Lifeline Support for broadband services or bundled services. While the stakeholders in Utah are working with the State Legislature on these issues, resolution of this matter will not be effective until mid-2017 at the earliest. URTA Members would anticipate that following a legislative change, the Utah Public Service Commission would open a rulemaking proceeding to address the State Lifeline program particulars. It is likely that this process would take until at least the end of 2018.

IV. CONCLUSION

URTA Members cannot control when Utah will bring its State Lifeline Program in conformity with the FCC requirements. However, the administrative burdens and resulting confusion by two different sets of eligibility requirements require a waiver from either the State or Federal Rules. As such, URTA Members support USTelecom's Petition to allow states, such as Utah time to address these issues on a state basis. URTA Members will further urge the State of Utah and the Utah Public Service Commission to amend Utah's State Lifeline Program to be in conformity with the Federal Lifeline Program. In the meantime, granting USTelecom's Petition will allow Utah providers to continue to enroll customers in the Federal Lifeline Program based on the state-specific program and income eligibility criteria, without unnecessary disruption in lifeline benefits, administrative burdens, and consumer confusion, while Utah responds to the Federal Lifeline Program modifications. URTA and its Members support the granting of USTelecom's Petition for Waiver.

DATED this 21st day of October, 2016.

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